



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLE<sup>T</sup>IN

[www.palmbeachbar.org](http://www.palmbeachbar.org)

September 2017

## The Florida Bar President, Michael Higer to Speak October 3



The PBCBA is pleased to announce that it will host a membership luncheon on October 3 with guest speaker, Michael Higer.

This meeting will be held from 11:45-1:00pm at the Marriott in West Palm Beach. Michael Higer was sworn in on June 23th making him the 69th president of The Florida Bar. He was born in Miami Beach, Florida, earned a Bachelor of Arts degree in 1982 from the University of Florida and his Juris Doctorate degree with honors in 1985 from the University of Miami School of Law. This newly installed president is making the mental health and work/life balance of those in the legal profession one of his top priorities during his one-year term.

During this luncheon, our first "You've Been Served" PBCBA member will be recognized. If you know a local attorney who has answered the summons to community service, please send in a nomination to [ybs@palmbeachbar.org](mailto:ybs@palmbeachbar.org). You will need to provide the member's name, contact information and your reasons for nominating him or her.

Reservations for this luncheon are required and can be done on the Bar's website at [www.palmbeachbar.org](http://www.palmbeachbar.org).

## Mark your calendar

**October 3, 2017**  
Membership Luncheon

## Wine and Cheese Reception Honoring our Chief Judges



**PBCBA President Sia Baker-Barnes along with Judge Jeffrey Colbath (immediate past Chief Judge for the 15th Circuit) Judge Krista Marx ( newly elected Chief Judge for the 15th Circuit), Judge Cory J. Ciklin (immediate past Chief Judge for the 4th DCA) and Judge Jonathan Gerber (newly elected Chief Judge for the 4th DCA)**

A special Wine and Cheese Reception was recently held to honor our 4th DCA and 15th Circuit Chief Judges. The celebration was well attended by more than 200 members at the Northbridge Center in downtown West Palm Beach. Thank you to our event underwriters including Ackerman, Link and Sartory; Domnick, Cunningham & Whalen; Esquire Bank; Fisher, Bendeck & Potter; Gelfand and Arpe; Gordon and Doner; Greenberg Traurig; Law Offices of Louis Robinson; Law Offices of Robert Bergin; Lesser, Lesser, Landy & Smith; Lytal, Reiter, Smith, Ivey and Fronrath; Morgan and Morgan; Mrachek Fitzgerald Rose Konopka Thomas & Weiss; Quest Workspace; Rosenbaum; Searcy, Denney, Scarola, Barnhart & Shipley and Visual Evidence.

*More photos on page 6*

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THE  
**BULLETIN**  
PALM BEACH COUNTY  
BAR ASSOCIATION

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The mission of the Palm Beach County Bar Association is to serve its members, foster professionalism and enhance the public's understanding and awareness of the legal system.

## LETTERS TO THE EDITOR

The Palm Beach County Bar Association Bulletin welcomes your comments on topics relating to the law, the legal profession, the Palm Beach County Bar Association or the Bar Bulletin. Letters must be signed, but names will be withheld upon request. The editor reserves right to condense.

Send letters to:  
EDITOR Bar Bulletin  
Palm Beach County Bar Association  
P.O. Box 17726  
West Palm Beach, FL 33416



## County Civil Online Scheduling

County Civil divisions begin using Online Scheduling for Uniform Motion Calendar and Special Set hearings

Effective immediately, all County Civil divisions will allow attorneys/litigants to set hearings for Uniform Motion Calendar and Special Set hearings through the Court's Online Scheduling application.

Online Scheduling can be accessed at <https://e-services.co.palm-beach.fl.us/scheduling>, or by visiting <http://15thcircuit.com> and selecting "Online Scheduling."

Users must register with the system prior to first use at <https://e-services.co.palm-beach.fl.us/scheduling/signup.php>.

For division specific instructions, visit the Divisional Instructions posted on each division's webpage.

Dates and times for upcoming training opportunities will be posted on <http://15thcircuit.co.palm-beach.fl.us/web/guest/eservice> in the near future.

**Please direct non-technical questions to the divisional JA, if necessary, only after you have fully read the divisional instructions.**

**Please direct any technical questions to [CAD-WEB@pbcgov.org](mailto:CAD-WEB@pbcgov.org).**



## Find Colleagues Online!

PBCBA Online Membership Directory  
Always available – always current!  
Easy to access (members only)

If your information is incorrect or you'd like to update your photo, please send information to [mjohnson@palmbeachbar.org](mailto:mjohnson@palmbeachbar.org)



## FREE! Happy Hour for NCS Members and the Judiciary

When: **Thursday, September 14**

Time: **5:30 pm to 7:00 pm**

Where: **III Forks, 4645 PGA Blvd., Palm Beach Gardens**

RSVP: **Online @ [palmbeachbar.org](http://palmbeachbar.org)**

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## President's Message



### Live in THIS Moment ...

by Sia Baker Barnes

At my office desk, I have taped onto my computer screen a slip from a fortune cookie- the slip reads "Live in THIS Moment." No, I do not rely on fortune cookies quotes to direct every step of my life, but it is in some respects my daily reminder that even with all the stress, hard work, long hours and worry that comes with our profession, I still need to take time to remember all of the important parts of my life. As lawyers, we have an obligation to our clients, our law firms and agencies, to our professions and to our communities. For me, those responsibilities sometimes result in me neglecting my own personal mental and physical health, and forgetting to live in the moment. I am not alone.

The American Lawyer online recently published an article about lawyers in large law firms, and the high rates of mental health problems ranging from stress-related medical conditions to suicide. The article cites a number of studies, including a 2016 study of US Lawyers and their overall health. The results demonstrated that 20.6% of lawyers were heavy drinkers and 28% suffered from symptoms of depression, rates that were much higher than those of physicians and the general population. The article references a 2012 Centers for Disease Control study finding that attorneys have the 11th highest suicide rate among US professions. As lawyers' mental health rises to the forefront of discussion, many are asking when these problems begin, and some have concluded that they begin the moment the Associate hits the door. We have also learned that in addition to big law firm associates and partners, small firm, solo practitioners and public interest lawyers are also suffering. Why?

Pressure. The pressures associated with learning to practice law, billing hours and generating revenue for the firm, the demands of clients, law firms and supervisors, to pressure of producing successful results at trial, civil and criminal, and the desire to become partner- all of these factors tend to lead to stress, depression, heavy drinking. These problem start early in our careers, and are compounded by the high numbers of young lawyers starting their own law firms, often with little to no experience or guidance. Add to these factors buying a home, raising a family, and the limited time that lawyers, especially new lawyers, have to deal with these issues and it's easy to see the reasons behind the statistics.

While there is no single solution to these problems, I am proud that we as a profession are beginning to recognize and study them and work on solutions. The Florida Bar has recently announced its Health and Wellness Initiative, designed to develop ways to improve the mental and

physical health of lawyers, and to help law firms, agencies and other legal organizations tackle these issues. Some examples include firm or agency-wide yoga classes, exercise challenges, and mindfulness exercises. Our own Young Lawyers Section pioneered this issue, designing programs to emphasize the importance of physical and mental health, including several non-alcoholic, family-friendly events. Finally, we have to take the time reflect on our own schedules, demands and evaluate whether we are truly living in the moment. For me, I find that the time I tend to reflect on this the most is when I arrive home from the office, especially after a long day. I try to take just 5-10 minutes, sitting in my car in the garage, to relax, take my mind off work, and remind myself that behind that garage door are the most important people in my life. They haven't been at my office, they have no idea about the stressful phone call from the client or opposing counsel. All they know is that they have been waiting all day to see Mom. I try to think about that before I walk in the door so that just as I have given my clients, my firm, and my community my 150% all day, now, I remind myself that my children deserve to have their 150% Mom. It's just one of the ways I try to live in each moment.

**NEW**

Board of Directors email address:  
[pbcba-bod@palmbeachbar.org](mailto:pbcba-bod@palmbeachbar.org)

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**Doug Clevenger, SVP • John B. Apgar, SVP**

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## Diversity Internship Program Wrap-Up Reception



*A special thanks to Shutts and Bowen, LLP for hosting the PBCBA Diversity Internship Program Wrap-Up Reception again this year on July 27th.*





### “Are You The Court Reporter?” Gender Bias in the Practice of Law

by Denise Mutamba

How many times have you been asked, “Are you the court reporter?” “Are you the paralegal?” or “Where is your attorney?” If you are a woman who practices law, these questions are not uncommon. As an attorney who has been practicing for almost three years, I often wonder if my gender, age, appearance, race, or all of the above prompt such questions. I discovered, that these questions are frequently asked of women who practice law, regardless of age, number of years in practice, or race.

With the appointment of Justice Sandra Day O’Connor as the first woman on the Supreme Court over three decades ago, one might assume that the treatment of women who practice law would continue to improve at a steadier rate. Unfortunately, recent studies have shown that the treatment of women who practice law has not improved as quickly as many believe. Although male and female law students graduate from law school at an almost equal rate, statistics show that more males become leaders in law firms, academia, and the judiciary thereafter. According to a 2015 National Association of Women Lawyers (“NAWL”) study, only six percent of managing partners at the largest 200 American law firms are women, less than sixteen percent of firm equity partners are women, and approximately twenty percent of law school deans are women.

According to Joan Williams, Distinguished Professor of Law at UC Hastings College of Law and Founding Director of the Center for WorkLife Law at UC Hastings College of Law this gap could be the result of stereotypes about women’s work styles, character traits, and job competencies.

In 2015, the Florida Bar’s Young Lawyers Division surveyed over 3,000 women attorneys practicing in Florida. Roughly seventy-six percent of the respondents had been practicing for five years or less and almost one-quarter of respondents had minor children. Alarming, forty-three percent of respondents had experienced gender bias in the workplace. Moreover, the survey showed that several respondents reported overt gender bias, explaining that they had been commonly referred to as an assistant, court reporter, or the paralegal of their male counter-part or supervisor. These respondents commented that these labels were placed upon them during client meetings, interactions with opposing counsel, and even in court. One respondent explained a situation where a client refused to allow her into the conference room during a meeting because she was a lady. Another respondent, who had minor children, was told by her supervisor that “she felt her child was more important than her job.”

Other respondents reported subtle gender bias. Specifically, one respondent reported that “[a]fter making partner, I learned that male attorneys were paid more out of law school than female attorneys with the same qualifications.” Another respondent explained that male associates, who were junior to her, were sent to trial, but she was not even allowed to attend hearings. In addition, this respondent reported that she began

attending hearings and gained more complex experience once she started working for female partners.

With the above perspectives on the issue of gender bias in the legal workplace, we must address how we can take action to resolve the issue. Past American Bar Association President, Laurel G. Bellows, believes that women should evaluate the substance and complexity of their assignments and if they are unsatisfied with their work assignments, they should seek out a sponsor, not a mentor. A sponsor is someone who will not only advise and guide a young lawyer, but will speak favorably about the lawyer when they are not present. Finally, a sponsor will actively promote the lawyer’s career development.

Judge Samantha Schosberg Feuer also had a few ideas. Judge Feuer believes we must first root out the problem by realizing as humans we all have implicit biases. We should take pause in how we interact with others who have preconceived opinions and stereotypes about women and women who practice law. For example, Judge Schosberg Feuer suggests that when a woman lawyer is asked, “Are you the court reporter?” the lawyer could respond gently and directly, “No, I’m the attorney on this case. What made you think I was the court reporter?” Judge Schosberg Feuer believes that maybe by appropriately challenging those who ask these questions. We will change the mind frame of others causing the inquirer to self-assess their implicit gender biases and think differently in the future.

Lastly, we must modify the perception of the legal profession by changing what is seen in the public eye. We must increase the number of women and diverse lawyers in the public eye. This starts with women who practice law taking leadership positions, seeking out sponsors, exemplifying quality and professionalism in our work, and in changing the mindset of others who may perpetuate gender bias in the legal workplace. Furthermore, we must all encourage firms and agencies to hire, retain, and promote women attorneys.

*Denise Mutamba is a Staff Attorney with the Legal Aid Society of Palm Beach County, Inc., where she fights against housing discrimination. She also represents the Fifteenth Judicial Circuit on the Young Lawyers Division Board of Governors.*



### MEMBERSHIP LOGIN ISSUES?

If you have a new email address,  
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contact Kathy Clark at  
[kclark@palmbeachbar.org](mailto:kclark@palmbeachbar.org)



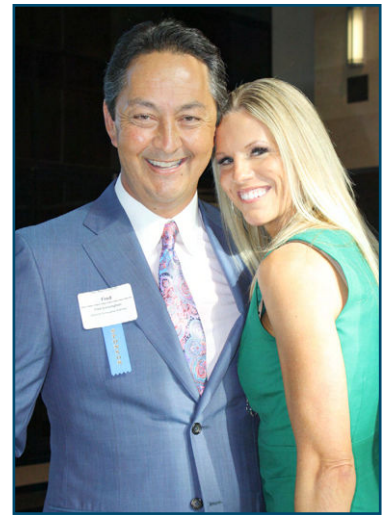
## Wine and Cheese Reception



**Greg Coleman and Robin Bresky**



**William Shepherd, Judge Caroline Shepherd, Judge Samantha Feuer and Rick Hutchison**



**Fred Cunningham and Cindy Crawford**



**Dane Leitner and Michael Kranz**



**Judge John Frusciante, Judge Cymonie Rowe and Chief Judge Krista Marx**



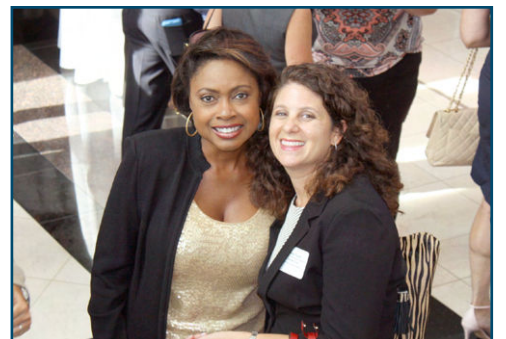
**John Howe and Stuart Manoff**



**Chris Searcy, Carl Domino and Louis Robinson**



**Gary Lesser and Laura Scala**



**Salesia Smith-Gordon and Judge Samantha Feuer**



**Freddy Rhoads and Greg Yaffa**

**Judge Cory Ciklin and Kara Berard Rockenbach**





## Local Rule 4 Has Lawyers Talking

By Judge Peter Blanc, Amy Borman,  
Greg Coleman & Adam Rabin\*

Local Rule 4, which has been in place for over 25 years, was originally established to both encourage and require lawyers to make a good faith effort to resolve or narrow the issues raised in motions before the motions were scheduled for uniform motion calendar hearings. The Rule was amended for the first time in 2015 to require attorneys (1) to make a good faith effort to Speak to each other by telephone or in person, before noticing a hearing for uniform motion calendar, where an exchange of emails between attorneys did not successfully resolve the motion, and (2) to require attorneys to certify in an unmodifiable form of certification the attorney's good faith effort to confer with opposing counsel. The Rule, however, has now been amended again in 2017 to clarify and expand on certain issues.

The new amendment to the Rule emphasizes the requirement that attorneys make a good faith effort to speak to each other by telephone or in person by including language in the form of certification that now requires the attorney to acknowledge that he or she has made such an effort. The new amendment requires not only the scheduling attorney to operate in good faith in an effort to speak to opposing counsel, but also the non-scheduling attorney has that same obligation, which would most commonly be met by timely returning a phone call when the non-scheduling attorney is

unavailable to speak to the scheduling attorney on his/her first effort to do so. The new amendment further requires an attorney who is covering the hearing for another attorney to be familiar with the details of an unsuccessful effort to speak with each other so that the Court can determine that both parties have acted in good faith.

Importantly, with the Rule's expansion, it now extends beyond uniform motion calendar to specially set hearings in the Circuit Court. In addition, the Rule now applies to all hearings in the County Court. That means for those divisions that allow online scheduling of specially set hearings, the online order setting the hearing cannot be completed and issued until the scheduling attorney checks a box on the screen confirming specific compliance with the Rule. For those hearings scheduled via a notice of hearing, it will be the obligation of the scheduling attorney to include the appropriate unmodifiable certification language required by the Rule within the notice, directly above the attorney signature block.

Finally, the new amendment clarifies that compliance with the Rule is not required when an attorney is dealing with a *pro se* party. The form of certification, likewise, has been modified to allow an attorney to check a box that indicates non-compliance on this basis.

By adopting the new amendment to the Rule, the Court does not intend to discourage attorneys' use of e-mail as a frequent and efficient form

of communication, including the circumstances that may result in the resolution of a pending motion without a further conferral. However, all attorneys should be in the habit of talking to each other about pending motions that are not otherwise resolved before they are set for hearing. If nothing else, each side will have a better understanding of the basis for disagreement which should make the arguments to the Court more concise and more effective.

In sum, you should get in the habit of talking to opposing counsel. It will save you time, save your clients money, eliminate unnecessary hearings, reduce the wait time for those hearings that cannot otherwise be resolved, make you look like a problem solver, and improve your advocacy before the Court, all while demonstrating professionalism and civility. Moreover, you will help play your part in continuing to make Palm Beach County the best place in the State of Florida in which to practice law.

*\*Judge Peter Blanc is a current Circuit Court Judge and former Chief Judge of the Fifteenth Judicial Circuit.*

*Amy Borman is the current General Counsel for the Fifteenth Judicial Circuit.*

*Greg Coleman is a partner with Critton Luttier & Coleman, LLP and a former President of The Florida Bar.*

*Adam Rabin is a partner with McCabe Rabin, P.A. and a current member of The Florida Bar Board of Governors.*

## Get Your Foursome Now!



Legal Aid Society of Palm Beach County's  
**17th Annual  
Cup of Justice Golf Classic**  
**Monday, October 9, 2017 | 1:00pm Shotgun Start**  
**⌘ Columbus Day ⌘**  
**Bear Lakes Country Club - Lakes Course**

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The Technology Committee of the Palm Beach County Bar Association  
Presents

## IPAD for Litigators - Part II



Monday, October 23, 2016, 11:30 - 1:00 p.m.

Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd., WPB

Welcome and Announcements: Chioma Deere, Esq.,  
Williams Leinger & Cosby, P.A.

Guest speaker: Spencer Kuvin, Esq., Law Offices of Craig Goldenfarb, P.A.

- Advanced techniques using iPad at trial, including hands on practice with your own iPad (or using the instructor's iPad) and the use of Trialpad application
- Advanced use of PowerPoint for mediation and limited use at trial
- Advanced use of Dropbox and other cloud based services as well as integration with other trial apps like Trialpad

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Expected credit: 1.0 CLER, plus technology. Cost: \$35 members; \$75 non-members. Those registering after 10/16/17 add \$10 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar. Register online at [www.palmbeachbar.org](http://www.palmbeachbar.org) or by mail (return this form with your check)

Name: \_\_\_\_\_ Email address: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ I will not be able to attend the seminar. IF AVAILABLE, I would like to order the audio. The cost is the same as listed above, however please include \$10 for shipping and handling. Allow 2 weeks for delivery. PBC Bar Association, P.O. Box 17726, W. Palm Beach, FL 33416. 561-687-2800.





by *Manuel Farach*

**California Public Employees' Retirement System v. ANZ Securities, Inc.**, Case No. 16-373 (2017).

The three-year time limit of Section 13 of the Securities Act of 1933 is a statute of repose not subject to equitable tolling, and a party that opts out of a timely filed class action and files an individual action more

than three years after accrual is barred from recovery.

**Pollitzer v. Gebhardt**, Case No. 16-11506 (11th Cir. 2017).

A Chapter 7 bankruptcy case can be dismissed under 11 U.S.C. § 707(b)(granting bankruptcy relief can be denied if doing so would be "abuse" of the bankruptcy code) even if the case was originally filed as a Chapter 13 case.

**Bankers Lending Services, Inc. v. Regents Park Investments, LLC**, No. 3D17-439 (Fla. 3d DCA 2017).

Certiorari, not Florida Rule of Appellate Procedure 9.130(a)(3)(B), is the proper method to review orders granting or discharging lis pendens and bonds associated therewith.

**Klebanoff v. Bank of New York Mellon**, Case No. 5D16-1637 (Fla. 5th DCA 2017).

The Fifth District distinguishes *Hicks v. Wells Fargo Bank, N.A.*, 178 So. 3d 957 (Fla. 5th DCA 2015), and *Collazo v. HSBC Bank USA, N.A.*, 213 So. 3d 1012 (Fla. 3d DCA 2016), based on their facts, and holds that a complaint alleging a default on a date "and all subsequent payments thereafter" is not barred by the statute of limitations.

**Venice HMA, LLC v. Sarasota County**, Case No. SC15-2289 (Fla. 2017).

Whether a special law is constitutional does not depend on whether the law benefits private as opposed to public interests.

**Winchel v. PennyMac Corp.**, Case No. 2D15-5601 (Fla. 2d DCA 2017).

Standing is an affirmative defense which must be proven by plaintiff at trial, and Rule 1.530 provides that a defendant may raise the issue of standing on appeal even if not raised at trial.

**DDRA, LLC v. JARM, LLC**, Case No. 3D16-2631 (Fla. 3d DCA 2017).

The question of arbitrability of a contract is for a court to determine unless the parties have agreed otherwise.

**Holmes Regional Medical Center, Inc. v Allstate Insurance Company**, Case No. SC15-1555 (Fla. 2017).

A judgment debtor is not entitled to seek equitable subrogation against a subsequent tortfeasor until the debtor has satisfied the judgment.

**Forero v. Green Tree Servicing, LLC**, Case No. 1D16-2151 (Fla. 1st DCA 2017).

The two-dismissal rule does not bar subsequent suits, it merely makes the prior suit res judicata as to subsequent suits. Additionally, "all subsequent defaults" defeats a statute of limitations argument if any subsequent defaults occurred within the statute of limitations.

**Bonita Real Estate Partners, LLC v. SLF IV Lending, L.P.**, Case No. 2D15-5492 (Fla. 2d DCA 2017).

A deficiency decree arising out of foreclosure of a Florida

property is controlled by Florida law notwithstanding loan documents choosing the law of another state.

**Building B1, LLC v. Component Repair Services, Inc.**, Case No. 3D16-1286 (Fla. 3d DCA 2017).

A challenge to a party's inactive corporate status must be raised prior to final judgment otherwise it is waived.

**Kebreau v. Bayview Loan Servicing, LLC**, Case No. 4D16-2010 (Fla. 4th DCA 2017).

The Fourth District joins the First, Second and Third Districts in holding that "all subsequent defaults" cures possible statute of limitations issues if any subsequent defaults occurred within the statute of limitations.

**City of Pompano Beach, Florida v. Beatty**, Case Nos. 4D16-2621 and 4D16-3699 (Fla. 4th DCA 2017).

A land-lease which provides for re-appraisal of rental payments at specific times limits re-appraisal rights to only those specific dates.

**Bautista REO U.S., LLC v. ARR Investments, Inc.**, Case No. 4D16-3658 (Fla. 4th DCA 2017).

Even if failure to do so results in loss of real property, a trial court may not issue an injunction to require a lender to deliver an estoppel letter in a certain amount as borrower has an adequate remedy at law and there is no irreparable harm for any breach.

**Don Facciobene, Inc. v. Hough Roofing, Inc.**, Case Nos. 5D15-1527 (Fla. 5th DCA 2017).

A written construction contract containing a merger and integration clause replaces an existing oral agreement, even if the construction is substantially completed.

**Camargo v. Prime West, Inc.**, Case No. 3D16-555 (Fla. 3d DCA 2017).

An administrative stamp as follows does not convert a non-final order into an appealable, final order:

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

**Transcapital Bank v. Shadowbrook at Vero, LLC**, Case No. 4D14-4650 (Fla. 4th DCA 2017).

The Caveat Emptor Doctrine remains in commercial transactions, subject only to exceptions for an artifice or trick has been employed, where the other party does not have an equal opportunity to learn facts, or where a party undertakes to disclose facts but fails to disclose all facts.

**Ditech Financial LLC v. White**, Case No. 4D16-3213 (Fla. 4th DCA 2017).

The Lis Pendens Act, Florida Statute section 48.23(1)(d), does not require a party holding a recorded superior lien to intervene in a case within thirty days.

**H. Gregory 1, Inc. v. Cook**, Case No. 4D17-929 (Fla. 4th DCA 2017).

Use of the words "shall" and "exclusive" in a venue selection clause make use of the venue selection clause mandatory.

# The Workers' Compensation CLE Committee of the Palm Beach County Bar Association Presents



## How to Reach the Iron Throne - A Workers' Compensation Claim from Start to Finish!

Wednesday, October 25, 2017, 11:30 a.m. - 6:00 p.m.

Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd., WPB

### Program Schedule

- 11:30 a.m. - 11:50 p.m. **Check In / Late registration / Lunch**
- 11:50 a.m. - 12:00 p.m. **Welcome and Announcements:** Nicole Hessen, Esq., Workers' Compensation CLE Committee Chairperson
- 12:00 p.m. - 12:50 p.m. **Professionalism Presentation:** Professionalism Committee member
- 12:50 p.m. - 1:40 p.m. **Amassing your Army - Motion & Pretrial Procedure:** Moderated by Judge Carol Stephenson. Panel: Andrew Borah, Esq., Lloyd Basso, Esq., Michele Leissle, Esq., and Marc E. Golden, Esq.
- 1:40 p.m. - 1:50 p.m. **Break**
- 1:50 p.m. - 2:40 p.m. **Formulating your Strategy for Battle – Depositions & Evidence:** Moderated by Judge Gregory Johnsen. Panel: Richard Unger, Esq., Hillarey McCall, Esq., Kenneth Ehrlich, Esq., and Paolo Longo, Jr., Esq.,
- 2:40 p.m. - 3:30 p.m. **Meet at the Battlefield – Trial Practice & Memo of Law:** Moderated by Judge Thomas Hedler. Panel: David Rigell, Esq.; Aaron Bass, Esq., Louis Pfeffer, Esq., and Brian Vassallo, Esq.
- 3:30 p.m. - 3:40 p.m. **Break**
- 3:40 p.m. - 4:30 p.m. **Making Uneasy Alliances (Q & A )** - Judge Hedler, Judge Johnsen, Judge Owens, Judge Stephenson on Settlements. Moderated by: Christine Tomasello, Esq.
- 4:30 p.m. - 5:00 p.m. **Presentation of Gift from PBC Bar Association to all three WPB Judges of Compensation Claims:** Nicole Hessen, Esq., and **Presentation of the Kennie Edwards Award** - Michael Celeste, Esq.
- 5:00 p.m. - 6:00 p.m. **Networking Reception**

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## Retirement of Judge Mary D'Ambrosio

On Wednesday June 7, 2017 the PBCBA WC Practice Committee hosted a retirement Party for Judge Mary D'Ambrosio at Jardin who served almost 16 years as a Judge of Compensation Claims. There were over 100 attorneys in attendance!



**Attorney Nicole Hessen and Anne Destout**



**Attorney Judd Koenig, Judge Carol Stephenson and Attorney Eli Franks**



**Judge D'Ambrosio, Judge Thomas Hedler and Carrie Cathy from MKRS**



**Judge D'Ambrosio Retirement Party**



**Judge D'Ambrosio and Attorney David Rigell**



**Attorney George Kagan, Attorney Sandra Guzman and Judge Thomas Hedler**



**Judge Gregory Johnsen, Judge Carol Stephenson, Judge Mary D'Ambrosio and Judge Thomas Hedler**

The Family Law CLE Committee of the Palm Beach County Bar Association  
Presents

# Prenuptial Agreements and Marital Settlement Agreements



Friday, October 27, 2017, 7:45 a.m. - 12:30 p.m.

4th District Court of Appeal, 1525 Palm Beach Lakes Boulevard, WPB

- 7:45 a.m. - 8:00 a.m. **Check in and Late registration** (light snack and coffee provided)
- 8:00 a.m. - 8:05 a.m. **Welcome and Announcements** - Cathy Lively, Esq., Lively Law Firm  
Chairperson, Family Law CLE Committee
- 8:05 a.m. - 8:15 a.m. **QDRO** - Matthew Lundy, Esq., Lundy Law Firm
- 8:15 a.m. - 8:45 a.m. **Drafting Marital Settlement Agreements: Tips and Traps** -  
Erskine Rogers III\*, Esq., Hicks & Motto
- 8:45 a.m. - 9:15 a.m. **Enforcement of a MSA** - Magistrate Diane Kirigin\*
- 9:15 a.m. - 9:20 a.m. **Break**
- 9:20 a.m. - 9:50 a.m. **Tips for Drafting a Prenuptial Agreement** -  
Robert M.W. Shalhoub\*, Esq., Robert M.W Shalhoub, P.A.
- 9:50 a.m. - 10:20 a.m. **Enforcement of a Prenuptial Agreement** - Judge Catherine Brunson
- 10:20 a.m. - 10:30 a.m. **Break**
- 10:30 a.m. - 11:20 a.m. **Professionalism Presentation** - Judge Cory Ciklin
- 11:20 a.m. - 11:50 a.m. **Case Law Review: Agreements** -  
Eddie E. Stephens\*, Esq., Ward Damon Posner Pheterson & Bleau
- 11:50 a.m. - 12:30p.m. **Panel Discussion**

\*Florida Bar Board Certified in Marital and Family Law

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## 16 People, 300 Years — It is Time to Stand Up



by Nellie L. King

***“Injustice Anywhere is a Threat to Justice Everywhere.”  
— Martin Luther King, Jr.***

I ask for your help. Please join me and co-host Richard Lubin at the Second Annual “Stand Up for Innocence”

fundraiser on Friday, October 6th, at 7:00 p.m. at the Kelsey Theater in Lake Park. Benefitting the Innocence Project of Florida, attendees will enjoy an evening of top comedic talent all in the name of a great cause.

Regardless of practice area, lawyers share common values. Central to this value system is the lawyer’s obligation to ensure that justice is more than just esoteric verbiage thrown about in casual conversation; that justice indeed represents the bedrock principle behind the criminal justice system. The word obligation is appropriate because of the role lawyers play in the community and as caretakers of the legal system. Simply stated, we stand for much more than the files we work on every day. Civil practitioners fight passionately for their clients and their causes — whether it’s a dispute over a business relationship gone bad, a car accident, or a contract dispute. But, as we know, criminal law is different. The criminal justice system has enormous consequences not only to the citizen accused entangled within it, but also to society. The power to execute accused citizens, sentence kids to extraordinarily long prison sentences, impose interminable probationary supervision, and strip citizens of the rights to vote and bear arms is unique. And with this awesome power comes responsibility. This responsibility, this obligation, is all of ours, however.

There is an organization that stands as the stopgap when the system gets it wrong. When people are wrongfully convicted and sentenced to prison, the Innocence Project of Florida (IPF) returns justice to the wrongfully accused, restoring our faith in the system we tout as the best in the world. The Innocence Project of Florida is funded solely through grants and donations and your financial support is critical to IPF’s continued operations. The costs associated with IPF’s litigation are incredibly expensive, with the average cost for DNA testing exceeding \$5,000.00 per case, for example.

Sixteen people have been exonerated in Florida, collectively serving more than 300 years in prison. These staggering figures are but the start - there is much more work to be done. Each year, the Innocence Project of Florida receives more than 1,000 requests for inmate assistance. The numbers of exonerees will rise as IPF continues the task of righting the wrongs associated with faulty forensic science, eyewitness misidentification, false confessions, and other common causes of wrongful convictions.



Attorney David Prather, who has pledged \$ 5,000 to this effort, strongly urges other lawyers to contribute. David stated: “I strongly support the Innocence Project and the folks who work everyday to achieve justice for those wrongfully convicted and incarcerated. I have seen firsthand the huge impact the Innocence Project has had on the lives of the true victims of the faults of the criminal justice system.”

Sponsorship levels include the Partner Sponsor at \$ 2,500, which includes 10 tickets to the reception and comedy show, and the Friend Sponsor at \$ 1,000, which includes four tickets to the event. Both sponsorship levels also include event recognition and promotional opportunities. To pledge a sponsorship or purchase tickets, please go to [www.FloridaInnocence.org](http://www.FloridaInnocence.org). To learn about additional sponsorship opportunities or more about the event, please contact Nellie King at 561-833-1084, or via email at [Nellie@CriminalDefenseFla.com](mailto:Nellie@CriminalDefenseFla.com).

*Nellie L. King practices exclusively criminal defense work in State and Federal Courts throughout Florida and is a frequent lecturer on criminal law topics. She is a Past President of the Florida Association of Criminal Defense Lawyers and serves on the Boards of the National Association of Criminal Defense Lawyers and Boys Town South Florida.*

# STAND UP FOR INNOCENCE

*A Night of Comedy Benefitting  
the Innocence Project of Florida*

**Friday October 6, 2017**

**at the**

**Kelsey Theater**

700 Park Ave, Lake Park, FL 33403

**Meet & Greet Reception - 7:00 p.m.**

Several Florida exonerees will be present throughout the evening.

Florida has freed 16 men who collectively spent more than 300 years in prison for crimes that they did not commit.

**Comedy Show - 8:15 p.m.**

Featuring

**Comedians Courtesy of PM Comedy Productions, Inc.**



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*Our Mission: Find and free the  
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help those who have been  
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and work to prevent future  
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### **PARTNER SPONSOR: \$2,500**

- Ten tickets to the reception and comedy show with preferred seating
- Recognition in event promotional materials and IPF newsletter, at the event, on the IPF web site for one year, and in 2017 promotional materials

### **FRIEND SPONSOR: \$1,000**

- Four tickets to the reception and comedy show with preferred seating
- Recognition in event promotional materials and IPF newsletter, at the event, on the IPF web site for one year, and in 2017 promotional materials

*Deadline for sponsorships to be included in the event program is September 28, 2017.*

## **Tickets**

Tickets include the reception with several Florida exonerees, two drink tickets, light fare appetizers and the comedy show.

**\$100 - General Public    \$50 - Government Employees & Students**

Available on August 28, 2017 at [www.FloridaInnocence.org](http://www.FloridaInnocence.org)

## Sponsorship Commitment Form

All Completed Sponsorship Forms and Payments Must Be Received  
**No Later Than September 28, 2017** for Inclusion in the Event Program

***Yes! We want to sponsor the 2017 Stand Up for Innocence Comedy Event***

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***Thank you for your support!***



Mail form and Payment to:  
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Contact: Seth Miller, IPF Executive Director at 850-561-6767 or  
smiller@floridainnocence.org with questions.

*IPF is certified as a nonprofit organization under the Internal Revenue  
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## Welcome New Members!

The following represents each new member's name, law school, date of admission to The Florida Bar, and law firm association.

**Michael Billings:** University of Denver, 2012; Associate in Slusher, Yellin & Rosenblum, P.A. West Palm Beach.

**Bruce A. Blitman:** University of Miami, 1981; Solo Practitioner, Palm Beach Gardens.

**Pam Elaine Booker Harkim:** University of Florida, 1994; Solo Practitioner, West Lake.

**Michael Edwards:** John Marshall Law School, 1976; Solo Practitioner, Port St. Lucie

**Lyndsay Iscowitz:** University of Miami, 2016; Associate in Klein Glasser Park & Lowe, P.L., West Palm Beach.

**Thomas E. Jablonski:** University of Miami, 215; Associate in Klein Glasser Park & Lowe, P.L., West Palm Beach Gardens.

**Jordan Jacob:** St. Thomas University, 2013; Solo Practitioner, Greenacres.

**Negin Kordbacheh:** Florida International University, 2014; Solo Practitioner, Miami.

**Julia Gilcher Lomonico:** Stetson University, 2012; South Florida Water Management District, West Palm Beach.

**Erin M. Miller-Meyers:** Florida International University, 2011; Associate in Conroy, Conroy, & Durant, P.A., Naples.

**James Peter Pagni:** University of Florida, 2012; Associate in King & Chaves, LLC, West Palm Beach.

**Tulsi Patel:** University of Florida, 2013; Associate in Kanner & Pinaluga, P.A., Boca Raton.

**Chad Piotrowski:** Widner University, 2006; Solo Practitioner, Miami.

**J. Paige Salib:** Barry University, 2013; Associate in Mathison Whittles, LLP, Palm Beach Gardens.

**Deborah Tracht:** Nova Southeastern University, 1996; Solo Practitioner, Ft. Lauderdale.

**Berkley S. Vitale:** Boston College, 2014; Associate in Sweetapple, Broeker & Varkas, Boca Raton.



### MCCABE RABIN, P.A. ATTORNEYS AT LAW



**Ryan McCabe**

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**Robert Glass**

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## Paralegal Committee Corner



Recently, I was appointed Chair of the newly formed PBC Bar Association Paralegal Committee, along with Steve Sanchez, co-chair. Serving Palm Beach County are the following members on the Paralegal Committee: Jacquelynn M. Jernigan, CP, FRP, Olga Paterson, Paul Patti, II and Jane Ha. Turner



The Committee provides an opportunity to network with other PBCBA members, and sponsors continuing legal education, along with professional development seminars. Paralegal committee members support each other through sharing their expertise in varied areas of legal practice.

We have selected the date of October 5, 2017 for a Meet and Greet, with additional information forthcoming. This is planned so you can meet your PBC Bar Association – Paralegal Committee members and share ideas for future CLE opportunities

Respectfully,

*Patricia C. DeRamus, CP, ACP, FRP and  
Steve Sanchez, FRP*

## YLS Golf

Congratulation to our 2017 Golf Tournament Winners:  
Adam Doner, Eden Doner, Michael Hoffman and Don Wright



## YLS Sidebar Series: Proposals for Settlement



Left to right: Dane Leitner, Andrew Harris, Judge Meenu Sasser, Judge James Ferrara, Julie Littky-Rubin, and Jennifer Lipinski





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**ANNOUNCES**

The opening of our new Palm Beach County office, serving all of South Florida

**AND PROUDLY WELCOMES**



Suzanna Scarborough, Esquire, to the firm as senior associate managing the Palm Beach County office. Ms. Scarborough has been practicing law in Palm Beach County since 1993. She began her career as an assistant state attorney developing extensive trial experience. She then became in-house legal counsel for the Palm Beach County Police Benevolent Association, representing law enforcement officers in labor matters. She has been representing injured workers since 2014 and specializes in the representation of injured first responders. Ms. Scarborough is a member of the Palm Beach County Bar Association, Workers Compensation practice section and gives back to the community as a member of the Board of Directors of the West Palm Beach Police Athletic League and the Farmworker Coordinating Council.

Our new office is located at 420 US Highway 1, Suite 15, North Palm Beach, FL 33408

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## Courts Cannot Reserve Jurisdiction They Do Not Have

by Jason S. Rigoli

It is common practice for bankruptcy court order to contain language reserving jurisdiction over any disputes arising under the order. That reservation language alone may not be sufficient for the bankruptcy court to assert jurisdiction over a particular claim. The United States Court of Appeals, First Circuit, issued an opinion in *Gupta v. Quincy Medical Center*, – F.3d –, 2017 WL 2389407 (1st Cir. June 2, 2017), which provides a detailed delineation for analyzing when a court retains jurisdiction.

### Facts

In *Gupta*, Quincy Medical Center, Inc., QMC ED Physicians, Inc. and Quincy Physician Corporation (the “Debtors”) executed an asset purchase agreement (“APA”) to sell substantially of their assets the day before filing voluntary petitions under Chapter 11 of the Bankruptcy Code and a Motion to Sell under §§ 363 and 365 of the Bankruptcy Code. The APA contained provisions regarding the retention and termination of employees of Debtors by Quincy Medical Center, a Steward Family Hospital, Inc. (“Steward”) the purchasing company. The Court subsequently issued an order approving the sale and the Debtors filed a plan of reorganization that was confirmed. Both the sale order and the plan contained provisions retaining jurisdiction by the bankruptcy court over any disputes arising under the sale order or plan.

Subsequent to the sale order being entered Steward terminated the employment of Apurv Gupta (“Gupta”) and Victor Munger (“Munger”), effective as of the sale date. Gupta and Munger “sought severance from the Debtors by filing motions... for... administrative expenses,” *Gupta*, at \*2. The bankruptcy court denied the administrative expense claims because the provisions in the APA obligated Steward and not the Debtors, however, the bankruptcy court then construed the motion as seeking

alternative relief against Steward and exercised jurisdiction under the retention of jurisdiction provisions in the sale order and determined Steward was liable for the severance under the APA. On appeal, the District Court subsequently concluded that the bankruptcy court lacked subject matter jurisdiction as the claims fell outside the statutory grants of jurisdiction and therefore, the reliance on the retention provision in the order “did not change th[e] analysis.” *Id.* at \*3. Gupta and Munger appealed to the First Circuit.

### Jurisdiction of Bankruptcy Courts

“The general grant of bankruptcy jurisdiction is found in 28 U.S.C. § 1334, which establishes two main categories of bankruptcy matters over which the district courts have jurisdiction: ‘cases under title 11,’ 28 U.S.C. § 1334(a), and ‘proceedings arising under title 11, or arising in or related to cases under title 11,’ 28 U.S.C. § 1334(b).” *Id.* (citations omitted).

The *Gupta* Court went on to delineate the three types of proceedings set for the § 1334(a) and (b). “Arising under” jurisdiction is when the Bankruptcy Code itself creates the cause of action. *Id.* (citations omitted). “Arising in” jurisdiction is when the proceeding is “‘not based on any right expressly created by title 11, but nevertheless, would have no existence outside of the bankruptcy,’” *Id.* (citations omitted), essentially creating a “but-for” test where the “proceeding by its nature, not its factual circumstance, could arise only in the context of a bankruptcy case.” *Id.* at \*6. “Related to” are those proceedings “‘which ‘potentially have some effect on the bankruptcy estate, such as altering the debtor’s rights, liabilities, options, or freedom of action, or otherwise have an impact upon the handling and administration of the bankruptcy estate.’” *Id.* (citations omitted).

### Application

In *Gupta*, the appellants sought to enforce the severance provisions of the APA, a state law contract issue. The fact that the bankruptcy court approved the

APA through the sale order did not create “arising in” jurisdiction, because the claims “look like claims that could have arisen outside the bankruptcy context.” *Id.* at \*7. There was no analysis of the sale order or any provision of bankruptcy law required to determine the claims. *Id.* at \*6. The First Circuit concluded that the because the underlying claim did not fall within one of the three statutorily enumerated jurisdictional categories, the retention provision in the sale order, on its own, did not confer jurisdiction in the bankruptcy court. *Id.* at \*5

*This article submitted by Jason S. Rigoli, Esq., Furr Cohen, 2255 Glades Road, Suite 337W, Boca Raton, FL 33431, jrigoli@furrcohen.com.*

## Do You Need a Mentor?



The Palm Beach County Bar Association’s Mentor Program is designed to provide members with a quick and simple way to obtain advice, ideas, suggestions, or general information from an attorney that is more experienced in a particular area of law. The mentors provide a ten-to-fifteen-minute telephone consultation with a fellow attorney, at no fee. Any member of the Palm Beach County Bar, whether newly admitted or an experienced practitioner, can use the program. Call the Bar office at 687-2800, if you need a Mentor.

# LUNCH, NETWORKING & BUSINESS CARD EXCHANGE

Presented by the Solo and Small Firm Committee



**FRIDAY, OCTOBER 20, 2017**

**11:30 a.m. - 1:00 p.m.**

Location: American Lung Association

2701 N. Australian Avenue, West Palm Beach

Enjoy lunch while networking with other small firm and solo practitioners!

During lunch we will discuss practical solutions for solo and small firms, including tips for running an efficient practice; lease and insurance renewals and negotiations (what type of insurance do I need?); financial plans to benefit small / solo firms; staff organization (am I subject to DOL/FLSA regulations?); computer / technology services and more! Come join the conversation . . .

*Moderated by Co-Chairs Misty Chaves and Amy Pettway*



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## Is Your Mediator Certified? Does it Matter?

by William Cea

There are significant differences between the rules that apply to certified and court-appointed mediators, and non-certified mediators. In fact, that's the point. The rules don't apply to non-certified/non-court appointed mediators. When choosing a mediator, consideration should be given to the differences. As demonstrated by a robust debate during the ADR Session at the recent Bench Bar Conference, there are different points of view on the subject.

The Rules for Certified and Court-Appointed Mediators are found at Section 10.100 et. seq. ("Rules"). Generally, the Rules provide for Mediator Qualifications, Standards of Professional Conduct, and Discipline. "Certified mediator" means the mediator has been certified by the Florida Supreme Court, after completing an initial mandatory training, which includes formal instruction in ADR techniques, and ethics, as well as observation of mediation sessions conducted by experienced certified mediators. Certified mediators are also required to fulfill continuing education requirements. This training includes areas such as diversity, domestic violence, and ethics. Applications for re-certification must also be submitted to the Florida Supreme Court through the Dispute Resolution Center on a bi-annual basis. The Rules provide for different areas of certification, including: County Court, Family, Circuit Court, Dependency, and Appellate.

Generally, the Rules prohibit certified or court appointed mediators from mediating a matter where the mediator has a clear conflict, coercing the parties, or giving legal advice. The Rules further mandate impartiality and neutrality on the part of the mediator. The parties' right to self-determination is a fundamental concept provided by the Rules. Accordingly, when selecting a mediator, consideration should be given to the type of case and the parties. If your case involves parties who would be offended by being "strong armed" or by an apparent bias towards one side's position, then you should select a certified mediator. There is a proposal to require use of a certified

mediator for any pending litigation, however, it is unclear whether that will be adopted.

Rule 10.310, Self-Determination, is one that I recommend reading to better understand the role of a certified or court appointed mediator. Rule 10.310 is clearly intended to ensure that the parties are the ultimate decision makers. The Committee Notes, in pertinent part, state: "Mediation is a process to facilitate consensual agreement between the parties in conflict and to assist them in voluntarily resolving their dispute....While mediation techniques and practice styles may vary from mediator to mediator and mediation to mediation, a line is crossed and ethical standards are violated when any conduct of the mediator serves to compromise the parties' basic right to agree or not to agree." [Emphasis added].

The above does not mean that the mediator should simply go back and forth between rooms as a messenger. A good mediator can balance the rights of the parties and the process, while at the same time assisting the parties by identifying obstacles that need to be overcome and opportunities for settlement. On the other hand, some attorneys with sophisticated clients may want more of a substantive expert who can offer opinions and exert greater influence on the outcome. The participants should, however, understand that also means that a non-certified mediator is not subject to the Rules or disciplinary action for misconduct.

Thus, when selecting a mediator, counsel should give serious consideration to the differences between certified and non-certified mediators, and the type of mediator that best fits the case. If your client would be frustrated or offended by a mediator taking sides or coercing a settlement, then selecting a certified mediator will reduce the chances of such frustration. We are fortunate in Florida to have a set of rules, ethical standards and regulation of certified mediators. The mandatory training, continuing legal education and re-certification requirements are all intended to facilitate a fair and impartial process, aimed at giving the parties an opportunity to craft a settlement free of undue influence and pressure.

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### Agreement to Arbitrate in Malpractice Setting

by Ted Babbitt

The Supreme Court of Florida in the case of *Hernandez v. Crespo*, 41 Fla. L. Weekly S625 (Fla. Dec. 22, 2016) reviewed the decision of the Fifth District Court of Appeal in *Crespo v Hernandez*, 151 So. 3d 495 (Fla. 5th DCA 2014) and the decision of the Second District Court of Appeal in *Santiago v Baker*, 135 So. 3d 569 (Fla. 2nd DCA 2014).

The underlying facts were that when Mrs. Crespo was 39 weeks pregnant and having contractions she was turned away from the defendant's office because she was a few minutes late and her appointment was scheduled for four days later. Before she could come back to the doctor, she delivered her son who was stillborn and the allegations were that the delay in delivery caused his death.

Prior to the incident, Mrs. Crespo had signed an arbitration agreement which essentially took the place of the arbitration provision in Fla. Stat. 766.201. That statute provides that any party to a malpractice case can offer to submit to binding arbitration. Under that statute if there is an agreement to arbitrate, the defendants have to concede liability, and independent arbitrators are employed including an administrative law judge who is appointed as chief arbitrator. The statute provides that the defendants have to assume most of the costs of arbitration and have to agree to pay for interest on any damages awarded. The statute further applies joint and several liability to the liability of all defendants and provides for a right of appeal.

Mrs. Crespo signed an arbitration agreement which eliminated all of the above provisions so that there was no concession of liability, administrative law judge appointed, payment of costs and interest by the defendant, concession of joint and several liability among the defendants and no right of appeal.

In finding that the arbitration agreement entered into by the parties was void as a matter of public policy, the Court relied on *Franks v Bowers*, 116 So. 3d 1240 (Fla. 2013). Both in *Franks, supra*, and *Crespo*, the Court found that the agreement in question was void and violated public policy because it only included the statutory arbitrary terms which were favorable to the physicians and, therefore, contravened legislative intent in a way that was clearly injurious to the public good.

At 627 the Court holds

We find that arbitration agreements which purport to incorporate the statutory scheme but have terms clearly favorable to one party, like the agreement between Mrs. Crespo and Petitioners, contravene the "substantial incentives for both claimants and defendants to submit their cases to binding arbitration" which "[t]he arbitration provisions were enacted to provide."

The Court further held at 628 that We find that the arbitration agreements which change the cost, award, and fairness incentives of the MMA statutory provisions contravene the Legislature's intent and are therefore void as against public policy. If the Legislature had intended for parties to pick and choose which of the MMA's provisions to include in their arbitration agreements, the MMA statutory scheme would be meaningless. Parties could avoid those statutory provisions less favorable to them as Petitioners did in this case and as defendants did in *Santiago*, thereby disrupting the balance of incentives the Legislature carefully crafted to encourage arbitration.

The Courts realize that a patient seeking medical care is not in a good position to bargain with his or her physicians concerning such things as arbitration agreements or exculpatory releases. Public policy demands that those type of agreements are looked at with careful scrutiny and with the view that they will be strictly enforced against the maker. See *Loewe v Seagate Homes, Inc.*, 987 So. 2d 758, 760 (Fla. 5th DCA 2008); *Murphy v Young Men's Christian Ass'n of Lake Wales, Inc.*, 974 So. 2d 565 (Fla. 2nd DCA 2008). An arbitration agreement which significantly favors a physician over a patient and eliminates statutory provisions designed to protect the patient will be considered void as against public policy.

NOTE: BECAUSE A NUMBER OF PEOPLE HAVE REQUESTED COPIES OF PAST ARTICLES, A COMPILATION OF THESE ARTICLES IS NOW AVAILABLE TO MEMBERS OF THE PALM BEACH COUNTY BAR ASSOCIATION, FREE OF CHARGE, BY CALLING (561) 684-2500.



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## HEARSAY

Pressly & Pressly, P.A. is pleased to announce its new firm name and new office location: **Pressly, Pressly, Randolph, & Pressly, P.A.**, 251 Royal Palm Way, Suite 300, Palm Beach, FL 33480



**Eleni Kastrenakes Howard** has joined Ackerman Link and Sartory as a Senior Associate, practicing in the areas of business and commercial litigation.



**Christine B. Gardner** has joined the law firm of Ackerman Link and Sartory, P.A. in West Palm Beach as an Attorney, practicing in the areas of business and commercial litigation. [PIX]

New PBCBA member **Bruce A. Blitman** received the 2017 Justice Teaching Volunteer of the Year Award during the Judicial Luncheon at The Florida Bar's Annual Convention in Boca Raton



Lewis, Longman & Walker, P.A. Shareholder **Alfred J. Malefatto** has been selected for inclusion in the Who's Who Legal: Environment 2017 Guide.



Jones, Foster, Johnston & Stubbs, P.A. announces that firm Shareholder, **Grasford W. Smith**, has been elected as Vice President of the Virgil Hawkins Florida Chapter of the National Bar Association.

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## Bulletin Board

Jones, Foster, Johnston & Stubbs, P.A. announces that the following attorneys have been named "Legal Elite" in Florida Trend Magazine's July 2017 issue: Sidney A. Stubbs – Hall of Fame – Commercial Litigation

**Scott G. Hawkins** – Civil Trial, **Brian D. Kennedy** – Wills, Trusts & Estates, **Michael T. Kranz** – Civil Trial, **Theodore S. Kypreos** – Civil Trial, **James C. Gavigan, Jr.** – Up & Comers



Cohen Milstein Sellers & Toll PLLC is proud to announce that attorney, **Nicholas C. Johnson**, was sworn in as the 28th President for the prestigious F. Malcolm Cunningham, Sr. Bar Association at the June 29th Installation Reception.

Jones, Foster, Johnston & Stubbs, P.A. announces that 14 of its attorneys made the 2017 list of Florida Super Lawyers: **David E. Bowers** – Estate Planning & Probate; **Margaret L. Cooper** – Business Litigation; **Tasha Dickinson** – Estate Planning & Probate; **Scott G. Hawkins** – Business Litigation; **Thornton M. Henry** – Estate Planning & Probate; **Theodore S. Kypreos** – Estate & Trust Litigation; **Joanne M. O'Connor** – Business Litigation; **Steven J. Rothman** – PI General: Defense; **Peter A. Sachs** – Business Litigation; **Sidney A. Stubbs** – Business Litigation; **Allen R. Tomlinson** – Business Litigation; **Roberto M. Vargas** – Business Litigation; **H. Adams Weaver** – Eminent Domain; **Robert W. Wilkins** – Business Litigation

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## PALM BEACH COUNTY BAR ASSOCIATION

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## CALENDAR September 2017

Thursday, September 7  
12:00PM – 01:00pm  
**PI Committee Meeting**  
515 N Flagler Drive

Friday, September 8  
11:45am – 1:15pm  
**Federal Bar  
Association Luncheon**  
Kravis Center

Friday, September 8  
7:30 am – 5:00pm  
**PBCJA Golf Tournament**  
PGA National

Monday, September 11  
12:00pm – 1:00pm  
**Construction Law  
Committee Meeting**  
Becker and Poliakoff

Tuesday, September 12  
11:30 am – 1:00pm  
**NCS Board Meeting**  
Duffy's

Tuesday, September 12  
12:00pm – 1:00pm  
**Paralegal Committee**  
515 N Flagler Drive

Tuesday, September 12  
12:00pm – 1:00pm  
**YLS Board Meeting**  
515 N Flagler Drive

Wednesday, September 13  
12:00pm – 1:00pm  
**Professionalism Committee  
Meetings**  
4th DCA

Wednesday, September 26  
12:30pm – 1:30pm  
**Pro Bono Circuit  
Committee Meeting**  
Main Courthouse – Judicial  
Conference Room

Thursday, September 14  
12:00pm – 1:00pm  
**Judicial Relations  
Committee Meetings**  
NEC

Thursday, September 14  
5:30pm – 7:00pm  
**NCS Happy Hour**  
III Forks, PBG

Tuesday, September 19  
12:00pm – 1:00pm  
**CDI Meeting**  
Judicial Conference Room

Tuesday, September 19  
6:30pm – 7:30pm  
**Small Claims Program**  
Greenacres Branch Library

Tuesday, September 26  
5:30pm – 7:00pm  
**Legal Aid Board Meeting**  
515 N Flagler Drive

Wednesday, September 27  
12:00pm – 1:00pm  
**Real Estate Committee  
Meeting**  
515 N Flagler Drive

Wednesday, September 27  
5:00pm – 6:00pm  
**Bar Board Meeting**  
Searcy Denney

Thursday, September 28  
5:30pm – 7:30pm  
**YLS Happy Hour**  
TBA